

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

IN RE:

DOVIA THOMAS

* Case No. 09-29160

Debtor/Movant

*

v.

*

ONE WEST BANK FSB

*

Respondent

* Chapter 13

* * * * *

AMENDED MOTION TO AVOID LIEN WITH ONE WEST BANK FSB

Comes now Dovia Thomas, Debtor/Movant, by Robert W. Thompson, her attorney, and files this Motion to Avoid Lien of One West Bank, FSB, and for reasons state:

1. That the debtor filed a Chapter 13 case on October 7, 2009.
2. That on December 1, 2009 One West Bank FSB filed a proof of claim in the amount of \$33,288.13, which indicates that said claim is secured by the debtor's real estate located at 12705 Live Oak Place, Upper Marlboro, MD 20772
3. That the debtor owns real estate located at 12705 Live Oak Place, Upper Marlboro, MD 20772 and it is subject to a prior deed of trust in favor of IndyMac Mortgage. The balance due to IndyMac Mortgage was approximately \$358,000.00 at the time of the filing of the case. (statement from IndyMac Mortgage dated 9/18/09 attached hereto).

4. According to the attached recent Cyberhomes internet real estate valuation, the real property is worth \$264,726.00, and therefore the junior lien of One West Bank is subject to avoidance. See In Re Johnson v. Asset Management Group LLC, 226 B.R. 364 (D.MD. 1998).

WHEREFORE, the Debtor requests that the Court find that the claim of Respondent One West Bank FSB is wholly unsecured and shall be treated as a general unsecured claim, and that Respondent's lien shall be void upon the completion of the debtor's plan payments.

/s/Robert W. Thompson
Robert W. Thompson
134 Holiday Court
Suite 301
Annapolis, MD 21401
Bar No. 01754
410 841-5060
Attorney for the Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April 2010 a copy of the foregoing Motion To Avoid Lien with One West Bank FSB was mailed, first, class, postage pre-paid to Kevin Keig, Attorney for One West Bank FSB, 4520 East West Highway, Suite 200, Bethesda, MD 20814 and to the Corporation Trust, 300 E. Lombard Street, Baltimore, MD 21201, resident agent for One West Bank, FSB, and by certified mail to Mick Rizzo, Vice President, One West Bank, FSB, 888 Walnut Street, Pasadena, CA 91106-1802 and electronically mailed to the Chapter 13 Trustee and the U.S. Trustee.

/s/Robert W. Thompson
Robert W. Thompson